IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22233 of 2004

Between:

N.Subba Reddy S/o.Venkata Reddy
R/o.Setti Samudram Village, Marripadu (M),
Nellore Dist.

... PETITIONER

AND

1 The Assistant Director of Marketing Department,
Nellore Dist.
2 The Estate Officer,
Rythu Bazaar, Fathekhanpet, Nellore Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioner from Stall No.5 of Ryot Bazaar, Fathekhanpet, Nellore, Nellore Dist without issuing any notice and without assigning any reasons as illegal, arbitrary, unjust and without jurisdiction, and consequently direct the respondents not to interfere with the petitioner's carrying on business in Stall No.5 of Ryot Bazzar, Fathekhanpet, Nellore, Nellore District.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR AGRICULTURE

The Court at the admission stage made the following :

-

-

-

-

-

O R D E R:

-

The petitioner claims to be an allottee of a shop in Ryot Bazar, Nellore. His grievance is that even while the allotment is subsisting, he is sought to be evicted with a view to accommodate certain traders in it.

Learned counsel for the petitioner submits that the petitioner has been allotted the shop by the competent authority after being satisfied that the petitioner is a genuine farmer. He contends that the petitioner has been selling the rice, which is made out of the paddy grown by him.

Learned Government Pleader for Agriculture, on the other hand, submits that the very concept of Ryot Bazaar is to encourage farmers to market their produce and there cannot be a permanent allotment in favour of the farmer, and in such an event, the allottee is prone to become a trader than a farmer.

The concept of Ryot Bazaar was introduced in the State of Andhra Pradesh, with a view to encourage the farmers to market their produce, be it vegetables or food grains. The effort was to avoid middlemen. There cannot be any permanent allotment in favour of a farmer. If such course is adopted, the farmer tends to become a trader. Further, a farmer cannot be expected to market his produce through out the year.

The Government had framed guidelines in G.O.Ms.No.22, Agriculture and Co-operative Department, dated 21.01.2004, providing for the constitution of the Selection Committee and procedure for selection and allotment of shops. The duration of the allotment is not exceeding one year. The selection is to be based on the performance of the groups or individuals, as the case may be.

In that view of the matter, the writ petition is disposed of, directing the respondents to take further steps strictly, in accordance with the procedure contained in G.O.Ms.No.22, dated 21.01.2004, before the petitioner is evicted from the shop, which is already allotted to him. It shall be open to the petitioner to submit an application for being selected as one of the allottees. Till such steps are taken, the

petitioner shall not be evicted from the shop, which is already allotted to him. There shall be no order as to costs.

_____

14th December, 2004

pan

To

1 The Assistant Director of Marketing Department,
Nellore Dist.
2 The Estate Officer,
Rythu Bazaar, Fathekhanpet, Nellore Dist.

3 Two C.Cs to the Govt.Pleader for Agriculture,

High Court buildings, Hyderabad (OUT).

4 Two CD copies